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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/816,851

04/05/2004

Yukihito Ichikawa

119362

1812

25944

7590

10/18/2006

OLIFF & BERRIDGE, PLC  
P.O. BOX 19928  
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EXAMINER

GREENE, JASON M

ART UNIT

PAPER NUMBER

1724

DATE MAILED: 10/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/816,851

Applicant(s)

ICHIKAWA, YUKIHITO

Examiner

Jason M. Greene

Art Unit

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2006.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.  
4a) Of the above claim(s) 13-23 is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-12 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 05 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 6/30/04;9/25/06.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Election/Restrictions***

2. Applicant's election with traverse of Group I, claims 1-12 in the reply filed on 17 July 2006 is acknowledged. The traversal is on the ground(s) that the search and examination of the entire application can be made without serious burden. This is not found persuasive because the non-elected inventions (two separate, distinct and mutually exclusive manufacturing methods and a specific extrusion die) require substantive additional search in classes 264 and 425, which is not required for the elected invention drawn to a honeycomb structure.

The requirement is still deemed proper and is therefore made FINAL.

3. Claims 13-23 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected inventions, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 17 July 2006.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-9, 11 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by European Patent Application Publication 1 153 643 A1.

EP 1 153 643 A1 discloses a discharge fluid (exhaust) purification system comprising an introductory section (the can) and a purification section comprising a honeycomb structure (10) comprising partition walls arranged in an X-direction so as to form a plurality of cells (11) extending to an other-end portion from a one-end portion through an axial direction, and partition walls intersecting with the partition walls wherein intersecting portions of the partition walls include a lacking intersecting portion in both end portions (Fig. 3b), wherein an axial-direction depth of lack of the partition wall intersecting portion is 30% or more of the axial length of the honeycomb, wherein the intersecting portion includes a portion lacking to the other-end portion from the one end portion (Fig. 1d), wherein the honeycomb structure further comprises plugging portions for plugging open end portion of predetermined cells among a plurality of cells in either end portion, wherein some of the plugging portions include plugging portions lacking

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together with the surrounding intersecting portions, including intersecting portions which are lacking around the plugging portion and in which axial-direction depth of the lack is smaller (towards the central regions of Figs. 1a and 1c) and larger (Figs. 1b and 1d) than that of the plugging portion, wherein the plugging portion includes a portion whose width is reduced towards an end most portion from a cell side (Fig 1a), and wherein the partition wall comprises pores and is porous, and the surface of the partition wall and the pore surface inside the partition wall carries a catalyst component in Figs. 1-5 and 8 and paragraphs [0007] to [0050].

6. Claims 1-4, 11 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Cunningham et al. (US 6,343,923 B1).

Cunningham discloses a discharge fluid (exhaust) purification system comprising an introductory section (catalytic converter housing) and a purification section comprising a honeycomb structure comprising partition walls arranged in an X-direction so as to form a plurality of cells (36) extending to an other-end portion from a one-end portion through an axial direction, and partition walls intersecting with the partition walls wherein intersecting portions of the partition walls include a lacking intersecting portion in both end portions, wherein an axial-direction depth of lack of the partition wall intersecting portion is 10% or more of a cell pitch, wherein the intersecting portion includes a portion lacking to the other-end portion from the one end portion in Figs. 2-8 and col. 2, line 1 to col. 8, line 59.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over European Patent Application Publication 1 153 643 A1 in view of Ishihara et al. (US 6,800,107 B2).

EP 1 153 643 A1 does not teach a catalyst component being carried on the surfaces of the plugging portion. Ishihara et al. discloses a similar honeycomb filter wherein a catalyst is carried on end plugs (2) in Fig. 2 and col. 3, lines 60-64.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the plug carried catalyst of Ishihara et al. into the honeycomb of EP 1 153 643 A1 to increase the catalytically active surface area in contact with the exhaust gas, as suggested by Ishihara et al. in col. 2, lines 32-34.

***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Ichikawa reference discloses a similar honeycomb structure.

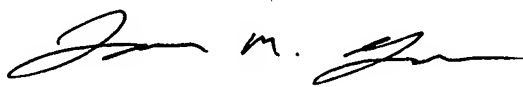
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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason M. Greene whose telephone number is (571) 272-1157. The examiner can normally be reached on Monday - Friday (9:00 AM to 5:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jason M. Greene  
Primary Examiner  
Art Unit 1724

  
10/15/06

jmg  
October 15, 2006